

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Ordinance

At a regular meeting of the York County Board of Supervisors held in the Board Room, York County Finance Building, Yorktown, Virginia, on the 2nd day of December, 1998:

<u>Present</u>	<u>Vote</u>
Sheila S. Noll, Chairman	Yea
James W. Funk, Vice Chairman	Yea
Albert R. Meadows	Yea
Jere M. Mills	Yea
Walter C. Zaremba	Yea

On motion of Mr. Meadows, which carried 5:0, the following ordinance was adopted:

AN ORDINANCE TO APPROVE APPLICATION NO. ZM-38-98 BY RECLASSIFYING FROM CONDITIONAL EO (ECONOMIC OPPORTUNITY) TO CONDITIONAL EO (ECONOMIC OPPORTUNITY) 314 ACRES LOCATED ON MOORETOWN ROAD (ROUTE 603)

WHEREAS, Bullifants, L. P. has submitted Application No. ZM-38-98 which requests reclassification from Conditional EO (Economic Opportunity) to Conditional EO (Economic Opportunity) 314 acres of property located on Mooretown Road (Route 603) approximately 900 feet east of its intersection with Lightfoot Road (Route 646) and further identified on York County tax maps as Assessor's Parcel Nos. 2-32 and 2-34, subject to a certain condition proffered by the applicant; and

WHEREAS, said application has been referred to the York County Planning Commission; and

WHEREAS, the Commission has recommended approval of this application; and

WHEREAS, the Board has conducted a duly advertised public hearing in accordance with applicable procedure and has carefully considered the public comments and the recommendation of the Commission and staff with respect to this application;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this 2nd day of December, 1998, that Application No. ZM-38-98 be, and it is hereby, approved to amend the York County Zoning Map by reclassifying from Conditional EO (Economic Opportunity) to Conditional EO (Economic Opportunity) 314 acres of land located on the east side of Mooretown Road approximately 900 feet east of its intersection with Lightfoot Road (Route 646), further identified as Assessor's Parcel Nos. 2-32 and 2-34, subject to the condition proffered by the applicant dated November 20, 1998.

A Copy Teste:

A handwritten signature in cursive script, reading "Mary E. Simmons". The signature is written in dark ink and is positioned above the printed name and title.

Mary E. Simmons
Deputy Clerk

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THESE PROFFERS are made as of this 20th day of November, 1998, by BULIFANTS, L.P., a Virginia limited partnership (together with its successors and assigns, the "Owner").

RECITALS

A. Owner is the owner of certain real property (the "Property") in York County, Virginia (the "County"), more particularly described on Exhibit A attached hereto and made a part hereof.

B. Owner has requested that the Property be rezoned from EO, Economic Opportunity, with proffers, to EO, Economic Opportunity, with different proffers.

NOW, THEREFORE, for and in consideration of the approval by the Board of Supervisors of the County of the rezoning set forth above, and pursuant to Section 15.2-2296 et seq. of the Code of Virginia, 1950, as amended, and the County Zoning Ordinance, Owner agrees that it shall meet and comply with the following condition in developing the Property. In the event the requested rezoning is not granted by the County, these Proffers shall thereupon be null and void.

1. International Parkway Buffer. There shall be a 35 foot landscape buffer along both sides of International Parkway within the Property. There shall be submitted as a part of the landscape plan required as a part of the development plan for each site within the Property fronting on International Parkway a landscape plan for the buffer on that site prepared by a landscape or design professional. Depending on the proposed use of the site, the site's location within the Property, the existing vegetation within the buffer, the topography of the site and its relationship to International Parkway, the landscape plan may call for the retention of certain existing trees, clearing of existing underbrush and/or trees to create sight lines, landscape installation or a combination of the above, all as shown on the landscape plan. Breaks or intrusions into the buffer for entrances, roads, utilities, signage, walkways or trails, fences, berms or similar facilities shall be permitted with the prior approval of the Zoning Administrator. The goal of this proffered condition is to provide for the creation of an attractive, professionally designed buffer while meeting the visibility needs of commercial users locating on the Property.

WITNESS the following signature.

Bulifants, L.P.

By: International Bulifants, Inc.,
general partner

By: Richard Williams
Title: President

STATE OF VIRGINIA
CITY/COUNTY OF WILLIAMSBURG, to-wit:

The foregoing instrument was acknowledged before me this 20th day of
November, 1998 by Robert K. Wilbur as President of International Bulifants, Inc., general
partner of Bulifants, L.P.

Vernon M. Gaddy III

NOTARY PUBLIC

My commission expires:

12/31/99

Exhibit A
Description of the Property

Those certain parcels of land located in York County, Virginia containing approximately 314 acres of land located on the east side of Mooretown Road (Route 603) approximately 900 feet east of its intersection with Lightfoot Road (Route 646) and further identified as Assessor's Parcel Nos. 2-32 and 2-34.